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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,109	03/30/2004	Michael W. Salter	2560.004	5534
21917	7590	05/01/2006		
MCHALE & SLAVIN, P.A. 2855 PGA BLVD PALM BEACH GARDENS, FL 33410			EXAMINER STANDLEY, STEVEN H	
			ART UNIT 1649	PAPER NUMBER

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5, 11, 13-18, 22-25, 37-39, and 44-46, drawn to a method for modifying NMDA interactions with SRC, classified in class 435, subclass 7.2.
 - II. Claims 6-10, 12, 26-29, 31-35, 40-43, and 47-49, drawn to a pharmaceutical composition comprising a peptide with that inhibits NMDA-SRC interaction, classified in class 514, subclass 2.
 - III. Claims 19-21, drawn to a peptide that anchors SRC to the NMDA receptor, classified in class 514, subclass 2.

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the method entails providing a composition and administering the composition. The method can be performed with any other polypeptide composition such as hGH or insulin, or IGF.

Although there are no provisions under the section for "Relationship of Inventions" in the M.P.E.P. § 806.05 for inventive groups that are directed to different

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products, restriction is deemed to be proper because these methods appear to constitute distinct inventions for the following reasons: Groups II and III are directed to products that are distinct both physically and functionally, and are not required and are not required one for the other.

Invention group II is a polypeptide product which is the fragment of SRC which binds to NMDA receptors such that administration of the fragment interferes with binding of SRC to NMDA receptors. The invention of group III is a polypeptide product that binds SRC and NMDA such that it anchors SRC to the NMDA receptor. The polypeptides have distinct, unrelated sequences with different functions. Therefore a search and examination of the methods of group II and group III would constitute an undue burden, since the searches are entirely different and not coextensive, and the subject matter divergent.

Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are a method of modulating NMDA receptor binding with SRC and a polypeptide is not as useful in that method. Therefore, a search and examination of the methods of group I and the product of group III would constitute a serious search burden because they are unrelated and not coextensive.

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Conclusion

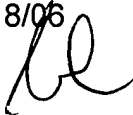
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Standley whose telephone number is **(571) 272-3432**. The examiner can normally be reached on Monday through Friday, 8:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on **(571) 272-0867**.

The fax number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Steve Standley, Ph.D.

4/18/06



LORRAINE SPECTOR
PRIMARY EXAMINER